

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOLUS ALTERNATIVE ASSET
MANAGEMENT LP,

Plaintiff,

v.

GSO CAPITAL PARTNERS LP,
HOVNANIAN ENTERPRISES, INC., K.
HOVNANIAN ENTERPRISES, INC., K.
HOVNANIAN AT SUNRISE TRAIL III, LLC,
ARA K. HOVNANIAN, and J. LARRY
SORSBY,

Defendants.

No. 18 Civ. 232 (LTS) (BCM)

**JOINT STIPULATION ADDRESSING
TREATMENT OF MOTIONS TO
DISMISS**

WHEREAS Plaintiff filed an Amended Complaint on February 1, 2018 (ECF No. 75);

WHEREAS Defendants filed Motions to Dismiss the Amended Complaint pursuant to
Federal Rule of Civil Procedure 12(b)(6) on March 2, 2018 (ECF Nos. 90-91, 93-94);

WHEREAS Plaintiff filed an Omnibus Memorandum of Law in Opposition to
Defendants' Motions to Dismiss the Amended Complaint on March 30, 2018 (ECF No. 98);

WHEREAS Defendants will file reply briefs in further support of the Motions to Dismiss
on April 23, 2018;

WHEREAS portions of the parties' briefing on the Motions to Dismiss reference sources
other than the Amended Complaint, including the Court's Memorandum Opinion and Order
denying Plaintiff's motion for a preliminary injunction (ECF No. 69), as well as additional
materials submitted in connection with the January 25, 2018 preliminary injunction hearing; and

WHEREAS the parties have conferred and agreed to stipulate that, although the parties refer in the Motions to Dismiss briefing to materials other than the Amended Complaint, none of them seeks nor would any of them consent to the treatment of the Motions to Dismiss as motions for summary judgment, *see* Fed. R. Civ. P. 12(d);

NOW, THEREFORE, the parties hereby stipulate that they do not seek nor would any of them consent to the treatment of the Motions to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) as motions for summary judgment through the operation of Federal Rule of Civil Procedure 12(d).

Dated: New York, New York
April 23, 2018

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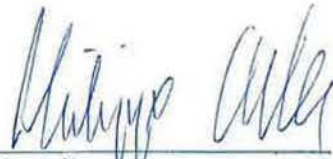


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